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VIA FACSIMILE AND U.S. MAIL

Mr. John Robertus
Executive Officer
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, California 92123-4340

Re: Proposed Procedures for Issuance of
Cleanup and Abatement Order No. R9-2005-0126

Dear Mr. Robertus:

This letter provides the comments of BAE Systems San Diego Ship Repair Inc. (formerly Southwest Marine, Inc.) on the proposed procedures for Cleanup and Abatement Order No. R9-2005-0126 ("proposed procedures"), published for comment by the Regional Water Quality Control Board's staff on July 14, 2005.

BAE Systems endorses all the comments and objections to the proposed procedures that have been filed by National Steel and Shipbuilding Company ("NASSCO"). BAE Systems agrees with NASSCO that the complexity of the issues, the very significant financial implications for the affected dischargers, and the equally significant precedential effects of a final decision in this matter for future sediment remediation elsewhere in San Diego Harbor and in other California coastal waters mandate the adoption of procedures that fully comply with all constitutional and statutory requirements, including discovery, cross-examination, and adequate opportunity to present evidence. The July 14, 2005 proposed procedures do not satisfy these requirements and do not adequately protect the rights of the parties potentially subject to a final Cleanup and Abatement Order. Therefore, the proposed procedures should be modified and expanded as NASSCO's objections suggest.

2005 AUG -5 P 3:22
REGIONAL WATER QUALITY CONTROL BOARD

Respectfully submitted,

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By: *Christian Volz*

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